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FROM THE AMBASSADOR FOR A/S LOWENKRON

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [PHUM](#) [PREF](#) [KDEM](#) [TH](#)

SUBJECT: SCENESETTER FOR DRL A/S LOWENKRON'S VISIT TO
THAILAND

SUMMARY

1. (SBU) Your visit will help us to reinforce with top-level RTG officials the need to promote respect for human rights and the rule of law, and our continued interest in a return to democratic governance through elections by the year's end.

Political parties, NGOs, and others in the political class are currently debating an initial draft of the constitution, to be finalized by July and then put to voters in a September referendum. An upcoming Constitutional Tribunal ruling may dissolve Thailand's two largest political parties, and leading figures in those parties could be banned from holding political office for five years. Applying such a ban to deposed Prime Minister Thaksin would prevent his short to medium term return to political life; the authorities have so far been unable to present a strong case indicting him for the abuses of power which the coup leaders cited as justification for their putsch. Public dissatisfaction with the current government is mounting, and there are indications of some friction between the military leaders and Prime Minister Surayud. Despite the current government's efforts at reconciliation in southern Thailand, vicious insurgent attacks continue, and there are also unconfirmed reports of abuses by the security forces, including extrajudicial killings and the intimidation of human rights workers. The RTG recently told the United Nations High Commissioner for Refugees (UNHCR) that it wanted to place conditions on their screening of asylum seekers. End Summary.

CONSTITUTION PAVING THE WAY FOR ELECTIONS

2. (SBU) Despite mishaps along the way, the leaders of the post-coup institutions have so far managed to stick to the schedule they outlined right after the September 2006 coup; in April, the Constitution Drafting Committee (CDC) publicly released the first draft of a new Constitution. This draft has proven controversial, although not unexpectedly so, as it:

- provides for a Senate that would be appointed, rather than elected -- marking a reversion to pre-1997 ways;
- creates a "crisis council" with unspecified powers and unclear guidelines;

- effectively grants amnesty to those who launched the 2006 coup d'etat;

- provides officials of the judiciary with functions that appear more political than judicial, such as selecting members of independent government agencies; and

- does not enshrine Buddhism as the state religion, disappointing many in Buddhist organizations and some ultra-nationalists.

13. (SBU) Political parties, NGOs, media commentators, and other civil society members have publicly criticized the draft constitution. Consequently, we believe it likely that the draft will be revised in significant ways, in response to these concerns. The Constitution Drafting Assembly (of which the CDC is a subset) has until early July to produce a final draft. This draft will then be submitted to the public in a referendum, likely to take place in early September. If the electorate rejects the draft, the interim constitution provides that the Council for National Security (CNS) and the cabinet must work together to select a previous constitution, modify it, and promulgate it. The deadlines established for this process are intended to fulfill the commitment to holding elections in mid or late December. It is worth noting that Prime Minister Surayud and other senior Thai officials assured visiting A/S Christopher Hill on May 22 that elections will be held by year's end.

TRIBUNAL MAY DISSOLVE POLITICAL PARTIES

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14. (SBU) The participants in those elections remain uncertain, however. The Constitutional Tribunal -- a new institution created post-coup -- is currently determining whether the Thai Rak Thai Party (TRT) and the Democrat Party (DP) committed "undemocratic acts" in connection with April 2006 elections. The Tribunal's determination is expected on May 30. A post-coup decree retroactively established that, if a party is ordered dissolved, the members of the party's executive board become ineligible to hold political office for five years. In the case of TRT, the party of deposed Prime Minister Thaksin, the executive board at the time of the alleged infractions consisted of 119 people, including many traditional power brokers from the North and Northeast. Although the charges of "undemocratic acts" are credible (and, in fact, were first lodged prior to the coup), disenfranchising such a large group of politicians could prove destabilizing.

THAKSIN REMAINS OF CONCERN

15. (SBU) Nevertheless, the Constitutional Tribunal ruling may be one important way to begin uprooting Thaksin's influence, and to bar him from returning to political life in the near future. The CNS established the Asset Examination Committee (AEC) soon after the coup, in order to investigate allegations of corruption by Thaksin and his cronies, but the AEC has worked slowly. It has recommended charging Thaksin for supporting his wife's purchase of property from a state body. It also has recommended indicting Thaksin's entire cabinet for establishing a government lottery without following proper procedures. The AEC continues its work, but it remains unclear whether its investigations will produce the sort of damning evidence against Thaksin that might erode support for him in the rural areas where his populist policies endeared him to voters. With Thaksin's popularity in those areas -- and his wealth -- largely intact, the coup leaders continue to feel Thaksin represents a substantial threat, and rightfully so.

SUSPICIONS OF THAKSIN'S INFLUENCE WITH THE USG

¶16. (SBU) Many Thais also fear that Thaksin, by hiring American lobbyists and public relations firms, has been able to win support from the USG. We have had to repeatedly explain that our policy is based on principled support for democracy, not on pressure from paid advocates. The situation is further muddled by a public relations campaign by some private American firms that has been highly critical of Thailand's issuance of compulsory licenses for branded prescription medicines, and has condemned in emotional terms the nature of the post-coup government. In this context, there are widespread Thai suspicions that our recent placement of Thailand on the USTR Special 301 Priority Watch List for IPR violations was in direct retaliation for the RTG's issuance of compulsory licenses. We have repeatedly said publicly that this is not the case; while the compulsory licenses contributed to USTR's determination, they were one of several factors, top among them being increased, open availability of pirated apparel, software, and video and music discs.

GOVERNMENT APPEARS SHAKY

¶17. (SBU) The constant anxiety expressed about Thaksin's lingering influence is exacerbated by the interim administration's low level of public support. Although Surayud Chulanont was popular with the public when he received his appointment as Prime Minister, since then he has been seen as largely ineffective. He appears ill-served by a cabinet made up mostly of retired bureaucrats, and he has proven himself averse to conducting a large scale reshuffle. Consequently, rumors persist of a "re-coup," and some -- especially die-hard foes of Thaksin -- have expressed hope that CNS Chief General Sonthi Boonyaratglin would nudge Surayud out of office and appoint himself as Prime Minister.

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We have reinforced with Sonthi and others our opposition to an active duty military officer heading the successor administration.

RECONCILIATION POLICY DOESN'T HELP DOWN SOUTH

¶18. (SBU) The Surayud government continues to pursue a publicly conciliatory policy towards southern Malay-Muslims which contrasts sharply with the approach of former PM Thaksin. Surayud apologized for past abuses, said he would talk with separatists, and reconstituted key security coordination centers. Unfortunately, these positive gestures are having little impact on the violence. After a brief hiatus following the coup, attacks in the far South have continued apace, and appear to be getting more brutal. In a recent attack in March, eight van passengers -- all Buddhist -- were killed execution-style. These and other horrific attacks have triggered reprisal acts of violence, raising the specter of communal violence.

RESPECT FOR HUMAN RIGHTS REMAINS A PROBLEM

¶19. (SBU) Reports of human rights violations have continued since the September 2006 coup. Despite positive overtures from high-level government officials, security forces continued to use excessive force against criminal suspects and were suspected of involvement in dozens of extrajudicial killings. Reports of disappearances in the southern provinces continued, and there were claims that the police tortured and abused detainees and prisoners. Members of hill tribes without proper documentation continued to face restrictions on their movement, could not own land, and were not protected by labor laws.

¶10. (SBU) Human rights workers, particularly those focusing

on disappearances in the southern provinces, have experienced government harassment. Little progress has been made in the case of the disappearance in 2004 of prominent civil liberties advocate Somchai Neelaphaijit, now presumed dead. Responsibility for pursuing the case was recently transferred from the Police Department's Special Investigative Division to the National Counter-corruption Commission.

MIXED MESSAGE FOR PRESS FREEDOM

¶11. (SBU) The authorities have now lifted almost all post-coup restrictions on broadcast media. TV and radio stations no longer host armed military "observers," and almost all community radio stations have reopened. Thailand's TV networks have taken advantage of the current government's inexperience in media manipulation and are criticizing the regime on a wide variety of issues, from its failure to properly contain Thaksin's overseas PR campaign to its inclusion of an amnesty provision in the draft constitution.

¶12. (SBU) Recent moves to control the Internet have been more problematic. The appointed government has blocked several pro-Thaksin websites, and asked popular chatrooms to self-censor some of the more personal attacks on coup leaders. The government also blocked YouTube.com in Thailand after the site refused to remove video clips deemed offensive to the King. Facing international criticism, the government seems to have backed away from such blatant censorship; they have not blocked the new anti-coup "Hi-Thaksin.com" website, and after YouTube.com agreed to remove 14 offensive clips, the government now says it will lift the block.

BURMESE EXILE GROUPS AGITATE FOR CHANGE

¶13. (SBU) Like us, the RTG is frustrated with the continued intransigence of Burma's military junta. We continue to urge Thailand to call publicly for the release of Aung San Suu Kyi and all other political prisoners, and for the

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initiation of a credible, inclusive political process in Burma.

¶14. (SBU) Thai-based Burmese exiles have expressed concern regarding recent attacks against ethnic Burmese populations and the use of a regime-affiliated organization to conduct attacks on and extra-legally detain citizens. The regime's recent detention of students and other activists praying at pagodas for the release of political prisoners, including Aung San Suu Kyi, is especially worrisome. These recent actions take place against a backdrop of ongoing human rights violations, including the use of rape as a weapon against civilian populations and conscription of child soldiers.

REFUGEE ASYLUM PROCESSING SUSPENDED

¶15. (SBU) The RTG recently told UNHCR that it wanted to place conditions on its screening of asylum seekers to make Refugee Status Determinations. UNHCR has responded that it will continue to process cases already in the pipeline and register, but not interview, new applicants while discussions with the RTG on this issue are ongoing.

¶16. (SBU) Thailand accommodates large numbers of refugees on its territory and has a generally positive record on refugee treatment. More than 150,000 Burmese refugees live in refugee camps close to Thailand's border. In addition, more than one million Burmese migrants work illegally within Thailand. The U.S. resettled approximately 2,100 Burmese refugees in FY2006 and we hope to resettle 13,000 in FY2007.

¶17. (SBU) More than 7,000 Hmong live in a refugee camp in

Petchaboon. While most are economic migrants, some may have legitimate claims to refugee status. Thai and Lao authorities are actively discussing the Petchaboon situation.

We, UNHCR, and other interested Embassies have proposed a plan that would involve Thai screening of refugee claims, international resettlement for refugees, and monitoring for those who are not refugees and are returned to Laos.

FINAL WORD

¶18. (U) Your visit will be most useful in reinforcing our active advocacy of human rights in Thailand. I look forward to your arrival.

BOYCE